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TRANSMITTAL FORM

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Total Number of Pages in This Submission

6

Application Number

10/557,283

Filing Date

April 24, 2006

First Named Inventor

Ernest Gorenflo

Art Unit

Examiner Name

Attorney Docket Number

RICHT-48749

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation
Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

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CD, Number of CD(s) _____

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Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

Remarks

Translation of the International Preliminary Report on Patentability

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

KELLY LOWRY & KELLEY, LLP

Signature

Printed name

Scott W. Kelley

Date

October 26, 2006

Reg. No.

30762

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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October 26, 2006

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From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

GERBAULET, Hannes
Neuer Wall 10
20354 Hamburg
ALLEMAGNE

Date of mailing (day/month/year)

05 October 2006 (05.10.2006)

Applicant's or agent's file reference
D 04447 PCT 1737

EINGEGANGEN

11. OKT. 2006

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/011816

PATENTANWÄLTE

International filing date (day/month/year)
19 October 2004 (19.10.2004)

Applicant

DOLMAR GMBH et al

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011816

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-13 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-13 _____ received by this Authority on 27.08.2005 with letter
- nos.* _____ received by this Authority on of 26.08.2005
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011816

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-13</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-13</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-13</u>	YES
	Claims	_____	NO
2. Citations and explanations (Rule 70.7)			
1). This report makes reference to the following documents: D1: US4720638 D2: US5028858 D3: DE9309436U			
2). D1, which is regarded as the closest prior art, discloses a: - hand-held machine tool (1) in figure 1 with at least one internal combustion engine (3) which, during operation, requires a supply voltage (column 1, lines 64-68), and with a voltage generator (18,19) in figure 2, which provides a generator voltage according to the the rotational speed of the internal combustion engine and serves to generate the supply voltage (column 5, lines 44-48).			
3). Claim 1 differs from D1 in that - the hand-held machine tool is electrically connected to an additional source of voltage that, before the internal combustion engine starts up, provides the necessary but at this			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/011816

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

point in time not yet available supply

voltage, and

- in that the supply voltage required for operating the internal combustion engine in the hand-held machine tool splits, and the additional voltage source provides only the required control voltage before the engine starts up.

4). The lawn mower in D1 uses a battery for starting the internal combustion engine, but it rests on a support plate separate from the rest of the drive unit. Therefore, there is nothing that would prompt a person skilled in the art who wished to develop a compact hand tool, such as the chain saw in this case, to integrate the battery into the housing and to control the ignition voltage for the engine and the supply voltage for the entire apparatus separately during operation, in order to prolong the readiness of the tool. Therefore, claim 1 is novel and inventive (PCT Article 33(2) and (3)).

5). Claims 2-13 define details of the starter and generator and of the battery charging device, and therefore they are likewise novel and inventive (PCT Article 33(2) and (3)).